

DIPE JUL 02 2004 OFFICE OF PATENT & TRADEMARKS

1153 DATE 1653

PTO/SB/21 (08-03)
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 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/078,247	
	Filing Date	February 14, 2002	
	First Named Inventor	Paul A. Wender	
	Art Unit	1653	
	Examiner Name	Unassigned	
Mail Stop	Petitions	Attorney Docket Number	8400-0013

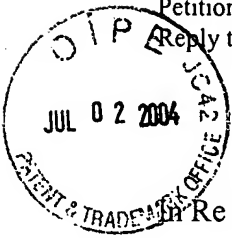
JUL 08 2004

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> No fee due <input type="checkbox"/> Fee Transmittal <input type="checkbox"/> Fee(s) due <input type="checkbox"/> Fee Transmittal <input type="checkbox"/> Check for \$* <input checked="" type="checkbox"/> Charge any underpayment or credit any overpayment to Deposit Account No. 18-0580 <input checked="" type="checkbox"/> Return postcard <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement & Form(s) PTO-1449 <input type="checkbox"/> Copy(ies) of cited reference(s) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts / Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition to Withdraw the Holding of Abandonment under 37 C.F.R. §1.181(A), with exhibits A & B <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s):	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks: The Commissioner is hereby authorized to charge any additional or underpayment of fee(s) to Deposit Account No. 18-0580.		

TECH CENTER 1600/2917

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual Name (print/type)	Shelley P. Eberle, Reg. No. 31,411 Reed & Eberle LLP	Telephone	(650) 330-0900
Signature	<i>Shelley Eberle</i>	Date	June 29, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Name (print/type)	Joe Clark	Date	June 29, 2004
Signature	<i>Joe Clark</i>		



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Paul A. WENDER et al.

Confirmation No.: 3262

Serial No.: 10/078,247

Group Art Unit: 1653

Filing Date: February 14, 2002

Examiner: Unassigned

Title: TRANSPORTERS COMPRISING SPACED ARGININE MOIETIES

JUL 02 2004

TECH CENTER 1600/2660

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(A)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants, by way of this Petition Under 37 C.F.R. § 1.181(a) (the "Petition"), request that the holding of abandonment of the above-identified application, mailed on June 23, 2004, be withdrawn.

The Petition is based upon Applicants failure to receive a communication from the Patent Office. Accordingly, Applicants submit that this Petition is properly made under 37 C.F.R. § 1.181, and that no fee is required. However, in the event that a fee is required, the Commissioner is hereby requested to charge any fee required to Deposit Account No. 18-0580.

The facts in support of the Petition are as follows.

STATEMENT OF FACTS

The instant above-identified application was filed by the law firm of Townsend and Townsend and Crew LLP on February 14, 2002.

On December 13, 2002, Townsend and Townsend and Crew LLP was instructed by Applicants to transfer the file wrapper for the above-identified application to the law firm of Reed & Associates.

On January 1, 2003, Reed & Associates became known as Reed & Eberle LLP.

The file wrapper for the above-identified application was transferred to Reed & Eberle LLP on February 7, 2003. The transferred file wrapper contained the following documents:

- (1) All papers associated with the filing of the above-identified application on February 14, 2002 by Townsend and Townsend and Crew LLP;
- (2) A Supplemental Application Data Sheet and a Request For Corrected Filing Receipt, mailed by Townsend and Townsend and Crew LLP on August 12, 2002 to the Patent Office to correct the state of residence of inventor, Christopher L. VanDeusen;
- (3) A Notice To File Missing Parts of Nonprovisional Application, mailed by the Patent Office on April 3, 2002 to Townsend and Townsend and Crew LLP, relating to the missing filing fee, the unexecuted declaration, and drawing corrections ("first Notice To File Missing Parts");
- (4) A Response to the first Notice To File Missing Parts of Nonprovisional Application, mailed by Townsend and Townsend and Crew LLP on September 3, 2002 to the Patent Office to provide the filing fee, executed declaration and corrected drawings; and
- (5) A Supplemental Application Data Sheet, mailed by Townsend and Townsend and Crew LLP on September 10, 2002 to the Patent Office to correct the mailing address of inventor, Lee Wright.

The transferred file wrapper did not contain any Patent Office correspondence dated later than September 10, 2002.

On February 13, 2003, Reed & Eberle LLP recorded two Assignments with the Patent Office: an Assignment from inventors Jonathan B. Rothbard and Erik L. Kreider to CellGate, Inc., and an Assignment from inventors Paul A. Wender, Lee Wright, and Christopher L. VanDeusen to The Board of Trustees of the Leland Stanford Junior University.

On March 18, 2003, Reed & Eberle LLP mailed an Information Disclosure Statement to the Patent Office. The Information Disclosure Statement was accompanied by a Power Of Attorney By Assignee And Certification Under 37 C.F.R. § 3.73(B)(2) from assignee CellGate, Inc. and a Power Of Attorney By Assignee And Certification Under 37 C.F.R. § 3.73(B)(2) from assignee The Board of Trustees of the Leland Stanford Junior University. Both Powers of

Attorney were in the name of Reed & Eberle LLP and indicated that all future correspondence was to be directed to Reed & Eberle LLP.

A Notice of Abandonment under 37 C.F.R. 1.53(f) or (g) ("Notice of Abandonment") was mailed by the Patent Office on June 23, 2004 to Reed & Eberle LLP. A copy is enclosed as Exhibit A. The Notice of Abandonment indicated that the above-identified application was abandoned by failure to timely or properly reply to the Notice To File Missing Parts mailed on November 14, 2002 ("second Notice To File Missing Parts").

The transferred file wrapper from Townsend and Townsend and Crew LLP did not contain a second Notice To File Missing Parts mailed by the Patent Office on November 14, 2002.

Applicants believe that the second Notice To File Missing Parts would have been mailed to Townsend and Townsend and Crew LLP since they were in possession of the file wrapper on or around November 14, 2002, and their address was the address of record with the Patent Office at that time. Further, Reed & Eberle LLP did not file a Power Of Attorney, indicating that correspondence should be directed to them, until March 18, 2003, which was four months after the Notice To File Missing Parts was mailed.

Therefore, Applicants submit that the second Notice To File Missing Parts mailed by the Patent Office on November 14, 2002 was not received by Applicants.

As further evidence of non-receipt, Applicants enclose as Exhibit B, a copy of the docket report for the above-identified application, indicating action items taken and any outstanding due dates. There is no entry for a Notice To File Missing Parts mailed by the Patent Office on November 14, 2002.

RELIEF REQUESTED

Applicants request that the holding of abandonment be withdrawn.

Applicants further request that the Patent Office mail a copy of the second Notice To File Missing Parts, so that Applicants can file a timely and proper reply to same.

As this Petition is filed within two months of the mail date of the Notice of Abandonment, Applicants respectfully request for withdrawal of the holding of abandonment in accordance with MPEP § 711.03(c).

Should the Commissioner have any questions regarding this matter, the undersigned attorney may be reached at (650) 330-0900.

No fee is believed due in accordance with MPEP § 711.03(c). If for any reason a fee should be due, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 18-0580.

Respectfully submitted,

By: Shelley Eberle
Shelley P. Eberle
Registration No. 31,411

REED & EBERLE LLP
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F:\Document\8400\0013\Petition to Withdraw Holding of Abandonment.DOC

Application No. 10/078,247

Atty Dkt No. 8400-0013

Petition to Withdraw the Holding of Abandonment dated June 29, 2004

Reply to Notice of Abandonment of June 23, 2004

Exhibit A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/078,247	02/14/2002	Paul A. Wender	8400-0013

23980
 REED & EBERLE LLP
 800 MENLO AVENUE, SUITE 210
 MENLO PARK, CA 94025



CONFIRMATION NO. 3262
 ABANDONMENT/TERMINATION
 LETTER



OC000000013038672

Date Mailed: 06/23/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 11/14/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Application No. 10/078,247

Atty Dkt No. 8400-0013

Petition to Withdraw the Holding of Abandonment dated June 29, 2004

Reply to Notice of Abandonment of June 23, 2004

Exhibit B

REED# 8400-0013

PRINTED ON: 6/28/2004

COUNTRY	US	UNITED STATES	TITLE		
NEW/CON	FCA	SERIAL#	10/078,247	TRANSPORTERS COMPRISING SPACED ARGININE MOIETIES	
RELATED	8400-0013PRV	PATENT#			
TYPE	UTL	STATUS	PUBLISHED		
CLIENT	8400	STANFORD UNIVERSITY	1	CREF	
AGENT				AREF	

PRIOR	2/16/2001
MAIL	2/14/2002
FILE	2/14/2002
PUBL	2/13/2003
ISSUE	
EXP	2/14/2022
1ST	2/14/2002

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP	1	2	P
PC	N	POST CARD CHECK	2/14/2002	1 M	3/14/2002		3/14/2002	0	3/4/2002	0 M	Y	Y	Y
DS	N	INF DISCLOSURE STMT	2/14/2002	3 M	5/14/2002	0	5/14/2002	0	3/18/2003	1 M	Y	Y	Y
FS	N	FILG RCPT STATUS CHK	2/14/2002	3 M	5/14/2002		5/14/2002	0	4/3/2002	0 M	Y	Y	Y
G2	N	MISSING PARTS (2 MO)	4/3/2002	2 M	6/3/2002	5 1	11/3/2002	5	9/3/2002	1 M	Y	Y	Y
	N	FILE ASSIGNMENT	2/7/2003	1 M	3/7/2003		3/7/2003	0	2/13/2003	1 M	Y	Y	Y
	N	CORRECT ASSIGNMENT	3/6/2003	1 M	4/6/2003		4/6/2003	0	3/7/2003	1 M	Y	Y	Y
	N	REC'D CORR. ASSIGN.	3/7/2003	1 M	4/7/2003		4/7/2003	0	3/13/2003	1 M	Y	Y	Y
	N	NEW ASSO. P. OF A.	2/7/2003	2 M	4/7/2003		4/7/2003	0	3/18/2003	1 M	Y	Y	Y
CHANGE FROM TOWNSEND AND TOWNSEND AND CREW TO REED & EBERLE INC. AS THE RESPONSIBLE ATTORNEYS. I DO NOT SEE A POWER OF ATTORNEY TO TOWNSEND IN THIS FILE.													
AN	N	AMEND PUBLICATION	2/13/2003	2 M	4/13/2003		4/13/2003	0	4/9/2003	1 M	Y	Y	Y
PU	N	PUBLICATION	2/14/2002	18 M	8/14/2003		8/14/2003	0	2/13/2003	1 M	Y	Y	Y
SI	N	SUPPL IDS W/PTO-1449	7/21/2003	1 M	8/21/2003		8/21/2003	0	8/19/2003	1 M	Y	Y	Y
SEE INT'L SEARCH REPORT DATED 7/21/03.													
	N	NOTICE OF ABANDONMEN	6/23/2004	14 D	7/7/2004		7/7/2004	0		14 D	Y	Y	Y
ABANDONED FOR FAILURE TO TIMELY OR PROPERLY REPLY TO THE NOTICE OTO FILE MISSING PARTS MAILED 11/14/02.													
SC	N	STATUS CHECK	2/3/2002	30 M	8/3/2004	0	8/3/2004	0		1 M	Y	Y	Y
012404 EXAMINER SAID WOULD REVIEW WITHIN 6 MONTHS.													

INVENTORS

WENDER, PAUL A.

ROTHBARD, JONATHAN B.

WRIGHT, LEE

KREIDER, ERIK L.

VAN DEUSEN, CHRISTOPHER L.

ASSIGNEES

REEL 013430; FRAME 0060; RECORDED 2/13/03

CELLGATE, INC.

REEL: 013,430; FRAME: 0060; RECORDED 2/13/03

THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY

PRIOR APPLICATIONS					
REFERENCE#	CNTRY	SERIAL#	FILED	TITLE / DESCRIPTION	TYPE
8400-0013PRV	US	60/269,627	2/16/2001	TRANSPORTERS COMPRISING SPACED ARGININE MOIETIES	APPL

USER-DEFINABLE FIELDS		PATENT FIELDS			
ART#	<input type="text"/>	SMALL ENTITY	<input type="text" value="yes"/>	ART UNIT	<input type="text"/>
LOC	<input type="text"/>	CLAIMS	<input type="text"/>	EXAMINER	<input type="text"/>
PBL#	<input type="text" value="2003/0032593"/>	PUBLICATION#	<input type="text"/>	CONFIRM#	<input type="text"/>

P16625US01 ENTERED MODIFIED BY ATTORNEYS / /